

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl No.:	10/528321
Appellant:	Stephen Guffanti
Filing Date:	September 26, 2005
Art Unit/Conf. No:	3715/6770
Examiner:	Brak A. Gebremichael
Attorney Docket No.:	100842.0002US
Title	Initial Teaching Alphabet for Teaching Phonetics

MS Appeal Brief - Patents
Commissioner of Patents and Trademarks
Washington, D.C. 20231
Attention: Board of Patent Appeals and Interferences

APPELLANT'S SUPPLEMENTAL REPLY BRIEF UNDER 37 CFR § 41.37

This supplemental reply brief is filed to offer into evidence the corrected registration certificate and Stephen Guffanti's declaration clarifying the facts of the case. The Applicant respectfully requests that the appeal filed on July 1, 2010 be maintained under 37 CFR §41.41, and also respectfully requests a **telephonic oral hearing** under 37 CFR §41.47.

ARGUMENT

I. Rejection Of Claims 15-20 Under 35 U.S.C. § 102(b)

The Office reiterated its rejection of Claims 15-20 under 35 U.S.C. §102(b) as being unpatentable over "Rocket Phonics." The Applicant maintains that Rocket Phonics is not applicable prior art because the book was not published until it was first advertised for sale on August 8, 2002. Attached hereto is the corrected copyright registration and a newly signed declaration by Stephen Guffanti clarifying the facts of the case in accordance with 37 C.F.R. §1.131.

CONCLUSION

Claims 15-20 are patentable for being drawn towards a physical process of altering training material. While the book "Rocket Phonics" may teach some of the subject matter recited in the claims, the book is ineligible for 102(b) purposes since this application was filed within a year of the publication date of "Rocket Phonics."

Respectfully submitted,

Dated: February 2, 2010

/Robert D. Fish/
Robert D. Fish
Reg. No. 33,880
Agent for Appellant

Fish & Associates, PC
2603 Main Street, Suite 1000
Irvine, CA 92614-6232
tel: 949-943-8300
fax: 949-943-8358
email: rfish@fishiplaw.com